

EXHIBIT C

Subject Re: nbme

From Stefan Berg <sb@berglawoffice.com>

Date Monday, June 9, 2008 22:06

To "Grant, Carrol E MAJ MIL USA FORSCOM" <carrol.grant@us.army.mil>

Dr. Grant:

1. the test exams are in the custody of their attorney. we will only get access by agreement or court order.
2. the agreement does not include step 3
3. they will not do "what is right" until told to do so by the court.
4. I will talk with their attorney this week; I think we need to get a court order, or make an agreement with them.
5. they do not agree with you about your last sentence.. what is in their best interest.
6. we cannot get regrading done by 6/30-- am not even sure when we can get a phone conference with the judge.
 - a. i need to ask for a conference with the judge.. at that time, I will ask him to make a decision- based on the facts; and to issue an order.
 - b. i hope the judge will be willing to issue an order, or to propose an agreement to be signed by the parties. I will let you know.

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us by telephone.

----- Original Message -----

From: "Grant, Carrol E MAJ MIL USA FORSCOM"
<carrol.grant@us.army.mil>
To: "Stefan Berg" <sb@berglawoffice.com>
Sent: Monday, June 09, 2008 5:18 PM
Subject: nbme

Mr. Berg:

The Law Firm in Minnesota was the one that represented the NBME in the initial claims.

As part of the settlement agreement the NBME wanted the copied documents to be kept in sealed envelopes which were signed at the time the envelopes were sealed.

In 1998, I sat down with Mr. Larry Reed and one of the attorney's representing the NBME at which we further discovered that the NBME had lied about having re-graded the exams and had only partially hand-scored the first exam which they had reported with a grade of 4 points less than passing. None of the other tests had any indication that anyone had even attempted to hand-score any. Mr. Reed subsequently requested that those documents be copied and placed in additional enveloped and that was done prior to leaving the room where the documents were reviewed. Since the NBME did not intend for me to view those documents when the agreement was reached whit my previous counsel, they demanded that the paper on which I tallied the scores from the partially re-graded exam should not leave the room.

On a test with 600 questions the partialled re-graded test revealed 474 points (79%), the second test they claimed I failed by 2 points, was not re-graded, and the third thes they claime I failed by 1 point was never re-graded although they collected the fee and produced a report in which they found no change.

Copies were made of all four Step 2 exam documents at the end of each exam and kept with Leonard, Street & Dienard. They initially agreed to follow similar procedured on subsequent exams when the format became computerized, but subsequently had the wording

changed and excluded the Step 3 and future exams by claiming at the time that the individual States were responsible for the Step 3 exam.

It will be in their best interest that they correctly grade the exams without further delays.

Thank you.

C. Earl Grant, M.D., Ph.D.
MAJ US Army Medical Dept.

----- Original Message -----

From: Stefan Berg <sb@berglawoffice.com>

Date: Monday, June 9, 2008 13:34

Subject: Re: nbme

To: "Grant, Carrol E MAJ MIL USA FORSCOM"
carrol.grant@us.army.mil>

dr. grant:

1. they will not rescore the exams without a. a court order or
b. an agreement with you regarding the rescoring
2. the law firm in Minneapolis. Did they represent you or NBME.
If they represent you, we can get the documents from them. If they represent NBME or are an escrow agent, we will need agreement or a court order to get the documents from them.
a. what kind of agreement is that law firm working under ? what is required to obtain the tests and answers from them ?
3. with your answers, i will know now to proceed.

thank you
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----- Original Message -----

From: "Grant, Carrol E MAJ MIL USA FORSCOM"
carrol.grant@us.army.mil>
To: "Stefan Berg" <sb@berglawoffice.com>
Sent: Monday, June 09, 2008 1:14 PM
Subject: Re: nbme

Sir:

Please be sure that they provide paper copies of the Step 2 for August 1997, March 1998, August 1998 and March 1999.

The information for the Step 3 can be printed and provide answer keys similar to the USMLE Step 1 and USMLE Step 2 exam materials. This is not the first they have lied about what they can or cannot do. This is their way of trying to avoid anyone from the public reviewing the atrocities that they been engaged in over the years.

As requested in my earlier e-mail you must request the step 2 documents that have been kept with Leonard, Street & Dienard Law Firm in Minneapolis specifically for this purpose. They have initially agreed to follow similar procedures for the Step 3 exam when it became computerized and later had the statement removed from the settlement agreement under the disguise that the individual States are responsible for administering the Step 3 exam instead of the NBME. The fact remains that the NBME is ultimately responsible for the Step 3 exam and is the approval authority for issuing permits to take that exam.

I will take the matter to the news media and the Army Surgeon General at an early date and to the US Supreme Court if I have to go to these extremes. Kindly request that the NBME/FSMB have the exams corrected prior to June 30, 2008.

Thank you.

Respectfully,

C. Earl Grant, M.D., Ph.D.
MAJ, US Army Medival Dept.

----- Original Message -----

From: Stefan Berg <sb@berglawoffice.com>

Date: Friday, June 6, 2008 16:38

Subject: nbme

To: carrol.grant@us.army.mil

Dr. Grant:

they claim that they cannot produce paper copies of the step 3, for review...

I have proposed that the judge decide what they must do. I'll keep you updated.

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Subject Fw: Dr. Grant

From Stefan Berg <sb@berglawoffice.com>

Date Monday, June 2, 2008 13:15

To carrol.grant@us.army.mil

Dr. Grant:
this is my proposal to their attorney.

If they do not accept this, I will ask that we submit our 2 proposals to the court, and ask the court to order one or the other of the proposals.

There is nothing to litigate... one rescoring procedure or the other should be ordered by the court- and the results become your new grade.

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----- Original Message -----

From: Stefan Berg
To: Martinez, Heidi S.
Sent: Monday, June 02, 2008 1:13 PM
Subject: Dr. Grant

Ms. Martinez:
I just discussed this matter at length with Dr. Grant.

His proposal is that the following documents be submitted to a third party, who will score the 4 step 3 exams by hand and report if the raw scores are different from that provided to Dr. Grant by NBME.

1. a paper copy of the examinations taken by Dr. Grant
2. a paper copy of Dr. Grant's responses
3. the raw score achieved by Dr. Grant on each examination.

This person will score by hand each examination with the key provided.

If the raw scores are the same, the case is over.

If the raw scores are higher, as found by the 3rd party, then NBME will provide Dr. Grant with the revised grade.

I would offer to be the third party, but propose instead that Dr. Grant retain someone chosen by you and me, who will be paid by Dr. Grant to do this work. We can select someone at Upstate Medical University or from Syracuse University, or an attorney or law office in Onondaga County. That person (office) can receive the documents directly from NBME, and provide both of us with their report.

In the meantime, I am glad to sign a stipulation further extending NBME's time to answer. It appears to me as if an agreement on a form of rescoring can resolve this matter.

I will be in the office most of the week if you wish to discuss this.

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Subject Re: nbme
From <carrol.grant@us.army.mil>
Date Wednesday, May 28, 2008 17:38
To Stefan Berg <sb@berglawoffice.com>

Mr. Berg:

Thanks for the follow-up. I read the proposal and do not see much there in terms of what they are proposing. They need to regrade the exams properly and not play with words. The failing grades were not computer errors. They were intentionally graded that way. The same was used during my residency training to submit falsified grade reports to the ABIM despite the actual grades. The Step 2 exams taken between August 1997 and March 1999 also need to be addressed. They have been doing this discriminatory grading with me since 1994,

and have continue to do same even after the requested ad I signed the settlement agreement in 1998.

They have proposed to use another computer to recheck to see if there was any error with the first grading. I would not trust them to do that. The tests need to be objectively graded by hand using the appropriate answer keys. They have claimed on several occasions that they graded and re-graded the exams correctly between 1994 and 1998, and again between 2003, and 2005. I need to move forward with my career as a physician and not be subjected to their game much longer.

My schedule is very tight because the Army wants me to be at my new work location by June 15, 2008. They are actually picking up my household goods tomorrow and Friday during which period I need to be there with the movers. I should have more time next week while I am doing my runs for post clearing. I will try to call you some time on Thursday or Friday to set up a time to meet with you.

Respectfully,

C. Earl Grant, M.D., Ph.D.

----- Original Message -----

From: Stefan Berg <sb@berglawoffice.com>

Date: Wednesday, May 28, 2008 11:23

Subject: nbme

To: carrol.grant@us.army.mil

Dr. Grant:

I have reviewed the proposed stipulation.

there is some language about fairness of the examination and its procedures that you will find objectionable. I think we can get rid of that.

i also think that their proposal for rescoring is all that a court would impose...

note they are offering to rescore 4 examinations which were not rescored... page 3 they agree to perform a score recheck of each

of the prior step 3 examinations.I

i think that if any one of the prior examinations shows a pass score- you will then be permitted to move forward.

they are also agreeing to treat you the same as all others for future examinations i.e. they will rescore if you request it in a timely manner.

let me know your thoughts...

I will talk with their attorney next week... hope fully we can talk prior to my talking with them.

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